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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,170

10/28/2008

Xiuli Hao

H0678.70006US00

2832

23628 7590 08/17/2009
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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,170	Applicant(s) HAO, XIULI	
	Examiner BINH K. TIEU	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/14/06 & 07/20/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selden et al. (US. Pat. #: 5,425,075) in view of Cotton et al. (Pub. No.: US 2006/0159233).

Regarding claim 1, Selden et al. ("Selden") teaches a multipurpose analog telephone channel test system as shown in figures 2 and 4. The test system comprises first and second double pole double throw relays 204 and 206 (see figure 2), channel interfaces 114 and 116 connected to trunk lines 104 and 106 respectively. The test system further comprises relays, each is used to interconnect the interfaces 114 and 116 to the trunk lines 104 and 106. if a problem exist, for example, with the trunk line 104 and interface channel 114, the test system may actuate relay 204, thus, disconnecting trunk line 104 from the interface channel 114 by a remote control signal 224 (see col.5, lines 3-58).

It should be noticed that Selden fails to clearly teach the test system for use with XDSL center office ports. However, Cotton et al. ("Cotton") teaches a Re-Arrangeable Analog Electrical Cross Connect 100, as shown in figure 2B for connecting XDSL ports

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from DSL cable 60 to subscriber lines (see paragraphs [0049]-[0050]) and providing loopback tests to the subscriber lines (see paragraph [0105] and [0108]).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the features of the test system for use with XDSL center office ports, as taught by Cotton, into view of Selden in order to provide tests on xDSL services provided on the subscriber telephone lines.

Regarding claim 2, also note the relay switches 204 and 206 in figures 2 and 4 in Selden reference. Cotton further teaches a Matrix Access Group as shown in figure 5, paragraph [0070].

Regarding claims 3-6, Cotton further teaches the DSL cable 60 in figures 2 and 4 maybe comprise, according to those skilled in the art, a variety of DSL services such as ADSL service, VDSL service, etc.

Regarding claim 4, Selden further teaches the method of determining a defected channel from using known good channel in column 5, line 59 through column 6, line 36.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
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Or faxed to: (571) 273-8300

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: August 2009